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Identifying Learning Disabilities in English Learners

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Identifying Learning Disabilities in English Learners

by

Eunsil Kang

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Chapter 1: Introduction

English learners constitute the fastest growing subgroup of culturally and linguistically diverse students in the United States (Genesee, Lindholm-Leary, Saunders, & Christian, 2005; Sullivan, 2011). In recent years, studies have shown that nearly one in five students in U.S. public schools speak a language other than English at home, and the number of students from diverse backgrounds increases each year (Wagner, Francis, & Morris, 2005). The percentage of public school students in United States who were English learners was higher in 2012-2013 (9.2%, or an estimated 4.4 million students) than in 2002-2003 (8.7%, or an estimated 4.1 million students) (National Center for Education Statistics, 2015).

Nationwide, disproportionate numbers of English learners are being diagnosed as having a learning disability (Chu & Flores, 2011; Klingner, Artiles, & Barletta, 2006), and the number of English learners in special education has more than doubled during the last decade (Reynolds et al., 2009). Despite the legal mandate of the Individuals with Disabilities Education Improvement Act of 2004 that requires students to be assessed in their native languages and in a nondiscriminatory manner, disproportionate representation continues to exist (Chu & Flores, 2011). Garcia and Ortiz (2004) contended English learners are disproportionately represented in the special education population because they are often referred for special education services prior to implementation of programs designed to meet their individual needs.

Historically, research has shown that English learners lose academic ground when classified as learning disabled (Ortiz et al., 1985). Thus, appropriate identification is critical. The purpose of this starred paper was to review the literature that examines how to differentiate between learners who struggle in acquiring English as a second language and English learners who have a learning disability.

Learning Disabilities

In order to correctly identify learning disabilities (LD) in English learners, one must understand clearly how students with LD qualify for special education services. In 1963, Samuel Kirk used the term *learning disability* to describe students with specific learning challenges (Lerner, 2000). Kirk's definition was used to define students in the LD educational category in the 1975 Education for All Handicapped Children Act, and this definition is still used today (Wilkinson, Ortiz, Robertson, & Kushner, 2006). Minnesota's LD definition, adopted in September of 2008, closely mirrors the federal definition. According to Minnesota Administrative Rule 3525.1341:

Specific learning disability (SLD) means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, and is:

- A. manifested by interference with the acquisition, organization, storage, retrieval, manipulation, or expression of information so that the child does not learn at adequate rate for the child's age or to meet state-approved grade-level standards when provided with the usual developmental opportunities and instruction from a regular school environment;
- B. demonstrated primarily in academic functioning, but may also affect other developmental, functional, and life adjustment skills areas; and may occur with, but cannot be primarily the result of: visual, hearing,

or motor impairment; cognitive impairment; emotional disorders; or environmental, cultural, economic influences, limited English proficiency, or a lack of appropriate instruction in reading or math. (Office of the Revisor of Statutes, 2008)

Both the federal and Minnesota definitions specifically state that the learning disability cannot be the result of limited English proficiency. Even so, English learners continue to be overrepresented in special education classrooms. Coutinho and Oswald (2004) reported this issue is considered to be one of the most significant problems the public school system has faced during the past 30 years, and it is an issue that has resulted in a number of court cases and legislative acts.

Relevant Judicial and Legislative Background

Several important court cases have addressed the overrepresentation of English learners in special education classrooms. In addition, the IDEA 2004 legislation contained provisions relating to English learners (Coutinho & Oswald, 2004). These are discussed in this section.

Court cases. Three court cases have particular significance with regard to the assessment of English learners. In the *Diana vs. California Board of Education* case in 1970, the court ruled that a child should not be offered special education services based upon culturally biased tests. The child must be assessed in his or her first language and in English, or nonverbal intelligence tests must be used (Abedi, 2002).

The *Larry P. v Riles* case in 1979 also ruled that tests must consider the culture and experiences of the children being assessed. In essence, this case made cultural bias in testing illegal. Instead of IQ tests, the schools were ordered to use a versatile evaluation approach and to keep records that tracked and documented information regarding the number of

minority students in special education classrooms (Artiles & Ortiz, 2002; Coutinho & Oswald, 2004).

The case of *Parents in Action on Special Education (PASE) v Joseph P. Hannon* (1980) examined bias in intelligence testing within the context of racial overrepresentation in special education. This case reviewed questions on an intelligence test and found that only a small percentage of the questions could be considered racially biased. Consequently, the court ruled that the overrepresentation in this case was not discriminatory (Coutinho & Oswald, 2004).

Legislation. Specific needs of English learners were mostly disregarded until 1975 and the passage of Education of All Handicapped Children Act (Osborne & Russo, 2014). This landmark legislation required nondiscriminatory, multidisciplinary, and multi-sourced individual evaluations for students referred for special education services. This legislation ensured the right of each special education student to an individualized educational plan (IEP) and an appropriate education in the least restrictive educational environment (Osborne & Russo, 2014).

The IDEA 2004 legislation requires the use of data-driven, evidence-based practices along with assessments in each student's native language to determine LD eligibility (Rinaldi & Samson, 2008). States were pushed to rely less upon traditional intellectual ability and academic discrepancy models to identify students with LD and more upon measurements based upon effective interventions. States were encouraged to use Response-to-Intervention (RtI) models to identify students with LD (Rinaldi & Sampson, 2008).

Response to Intervention is a framework that incorporates three tiers of support so that students can master grade-level content standards and includes screening, progress monitoring, and data-based instructional decision making (Bradley, Danielson, & Doolittle,

2007). In Tier 1, research-based instruction and universal screening is provided for all students. When students do not respond to Tier 1 interventions, they receive more targeted Tier 2 interventions either individually or in small groups. If students do not respond, they are referred for Tier 3 intensive interventions, which may mean special education services (Hollenbeck, 2005).

This type of model not only allows more timely intervention for struggling students, it also provides data that can be analyzed for special education referral for those students who do not respond to intervention (Linan-Thompson, Vaughn, Prater, & Cirino, 2006).

Wilkinson et al. (2006) asserted the discrepancy model may have contributed to overrepresentation of English learners in special education. Several researchers contend RTI results in improved academic outcomes for culturally and linguistically diverse students and reductions in the numbers of English learners in special education (Linan-Thompson et al., 2006; Rinaldi & Samson, 2008; VanDerHeyden, Witt, & Gilbertson, 2007; Wanzek & Vaughn, 2011). However, some researchers have reported that RtI has not been successful and that students still fall behind, possibly because of educators' failure to implement evidence-based practices as intended (e.g., McKenna, Flower, & Ciullo, 2014). The issue of treatment fidelity is an important one that is now being addressed in research studies.

Classification Issues and Assessment

One of the major issues regarding misidentification of English learners is over-referral to special education (Huang, Clarke, Milczaraki, & Raby, 2011). Schools and educators are having a difficult time differentiating between second-language acquisition and a language-based learning disability (Rinaldi & Samson, 2008). Monolingual teachers may not understand the significant impact of second language acquisition on student performance, and they may misinterpret current performance levels as representative of a student's ability

to learn. According to the National Joint Committee on Learning Disabilities, a student with LD and an English language learner may have similar academic abilities and similar test scores, which may result in the English learner being referred for LD services (Layton & Lock, 2002). English learners with less English proficiency may be misclassified as students with a learning disability (Abedi, 2002). Occasionally, students are misclassified as students with a language and speech impairment, although many more are placed in the LD category (Artiles, Rueda, Salazar, & Higareda, 2005).

The second major issue regarding English learner misidentification relates directly to lack of reliability and validity of assessment tools and the lack of test and/or item fairness (Huang et al., 2011). Kritikos (2003) reported findings from a nationwide survey that cited the need for nonbiased English learner assessment methods and materials as a priority. Kohnert, Kennedy, Glaze, Kan, and Carney reported the same findings from a statewide survey conducted in Minnesota (as cited in Roseberry-McKibbin & O'Hanlon, 2005). The survey indicated teachers misdiagnose students because they are using traditional standardized tests that do not take into consideration students' culture or English competency. These tests may be biased and discriminatory toward English learners. Such practices are in violation of IDEA 2004 that specifically requires multidisciplinary and multi-sourced evaluation materials when evaluating students for special education placement (Roseberry-McKibbin & O'Hanlon, 2005).

Researchers have discovered that if assessment tools require a high level of English proficiency, the performance gap between English learners and general education students is larger (Abedi, 2002). Regardless of a test item's difficulty, English learners have difficulty understanding linguistically complex test items. This underscores the importance of language in any assessment (Abedi, 2002). Cummins referred to this type of academic language as

cognitive-academic language proficiency (as cited in MacSwan & Rolstad, 2006). In order to prevent the misclassification of English learners, unbiased and valid assessments are needed that are designed specifically for assessing English learners (Chu & Flores, 2011). Many assessment techniques that work well for evaluating LD students do not necessarily help when assessing English learners. These tests must be given in the student's native language in order to address students' lack of cognitive-academic language proficiency in their second language (Abedi, 2009; MacSwan & Rolstad, 2006).

Summary

In spite of all the legislation and court cases, English learners continue to struggle in the American school system. English learners with the least amount of language support are most likely to be referred to special education, and those who receive almost all of their instruction in English are three times as likely to be in special education as those receiving some native language support (Artiles & Ortiz, 2002).

Research Questions

In this paper, I examine three research questions:

1. What are the current placement patterns for English learners?
2. What assessment factors must be considered when referring and identifying English learners for special education services?
3. What assessment practices are recommended for differentiating a disability from limited language proficiency?

Focus of the Paper

Studies published between 2002 and 2017 are included in Chapter 2. This research was conducted with K-12 English learners in the United States who are identified with LD. Both quantitative and qualitative studies were considered for review.

I obtained information on this research topic by using several keywords and keyword combinations: *English language learners, identification learning disability, assessment, overrepresentation, culturally linguistically diverse students, response to intervention, and discrepancy*. I used these keywords to locate information in the Academic Search Premier, PsycINFO, and U.S. Department of Education databases. I also reviewed the table of contents of the *Journal of Learning Disabilities*.

Importance/Rationale

More English learners are entering American schools every day, and many of them struggle to meet academic standards. However, assessment of student performance does not always yield the information needed to design appropriate educational interventions. They may exhibit depressed test performance that do not reflect their true abilities or learning potential. Instead, their performance may reflect a lack of background knowledge due to lack of opportunities or different learning experiences (Roseberry-McKibbin & O'Hanlon, 2005). However, depressed test performance could also be due to a learning disability (Abedi, 2009).

Researchers have sought to differentiate between a lack of English language proficiency and a learning disability. As a nation, we must be concerned if English learners are disproportionately placed in special education. The assessment process is critical in ensuring appropriate identification of learning disabilities in students whose native language is not English. More importantly, appropriate identification should consider not only the learners' limited English proficiency, but also their cultural background, lack of knowledge of their new culture, and how they respond to instruction. Teachers need to be culturally aware of their students and how culture affects students' academic performance. In order to enhance English learners' academic achievement and meet their needs, teachers must employ strategies that effectively differentiate between English learners and students with LD.

This topic is also of personal importance to me. I came to Minnesota from South Korea in 2013 with my two daughters and enrolled them in an English-speaking school. I took great care to observe how they adjusted to their educational environment and discovered they could not follow the lectures as they did in Korean classrooms. Because they lacked of English language competency and background knowledge, they were unable to understand and transfer the information that they had learned previously to their new academic setting. However, because of their previous English language instruction, their natural aptitude, and their fierce desire to achieve at a high standard, they have been able to be successful. Not all English learners have these advantages. If English learners are disadvantaged further by having a learning disability, their chances for success will be greatly diminished. Therefore, it is important to differentiate between students with learning disabilities and English language learners appropriately and provide them with appropriate instruction.

Definition of Terms

Composition index is calculated by “dividing the number of students of a given racial or ethnic group enrolled in a particular disability category by the total number of students enrolled in the same disability category” (Donovan & Cross, 2002, p. 43).

English language learner. The National Council of Teachers of English (NCTE) (2008) defined an English language learner as a student who cannot master English-only curriculum due to his or her inadequate level of proficiency in English. The state of Minnesota uses the term *English learner* to refer to this population.

High-incidence disabilities are special education services based upon state criteria for Specific Learning Disability (SLD), Other Health Disabilities (OHD), Emotional or Behavior Disorders (EBD), and mild Developmental Cognitive Disorders (DCD) (Sabornie, Evans & Cullinan, 2006).

Odds ratio refers to the “odds of being assigned to a particular special education category” (Finn, as cited in Artiles et al., 2005).

Risk index is calculated “by dividing the number of students in a given racial or ethnic category served in a given disability category by the total enrollment for that racial or ethnic group in school population” (Donovan & Cross, 2002, pp. 42-43).

Validity is the extent to which a test measures what it is supposed to measure (Pierangelo & Giuliani, 2013).

Chapter 2: Review of the Literature

The disproportionate representation of culturally and linguistically diverse students in special education is a long-standing issue first introduced in the literature more than 40 years ago (Dunn, 1968). Some evidence suggests English learners are not receiving the services and supports they need to be successful in school, which may contribute to over-referral to special education (e.g., Artiles & Ortiz, 2002). This literature review attempts to identify: (a) currently existing placement patterns, (b) assessment issues affecting inaccurate referral and placement of English learners in special education, and (c) factors to be considered for differentiating a disability from limited language proficiency. In this chapter, I reviewed studies that pertain to these issues.

Placement Patterns

Overrepresentation of English learners in special education is a major issue in the field of education. In this section, four studies are reviewed that address issues related to the placement of English learners in special education.

Artiles et al. (2005) addressed the representation patterns of English learners in various categories such as grade level, language proficiency status, disability category, type of special education program, and type of language support programs. This study analyzed the databases of California urban school districts for 1998-1999 academic year and focused on mental retardation (MR), language and speech impairments (LAS), and learning disability (LD).

Based upon English proficiency, English Language Development (ELD) levels were categorized levels from L1 to L5. Each succeeding ELD level represents a higher level of English language proficiency. English learners were considered to be English proficient when they reach ELD Level 5, which means they could function in classrooms with native-English

speakers. In order to obtain a better understanding of the problem, multiple indicators of disproportionate representation were collected and disaggregated by disability, grade level, language proficiency, social class, language support, and special education status. This study utilized a composition index (CI), risk index (RI), and odds ratio (OR) to compare the data and population subgroups.

Results showed that in the secondary grades, L1 and L2 English learners were 23.8 percentage points above the overrepresentation threshold in the MR category. In elementary grades, L1 and L2 English learners were 24.3 percentage points above the overrepresentation threshold. Both were the highest rates of special education identification. English learners designated as L2 were twice (17.3) as likely as White students to be designated as MR (9.1), but less likely (8.1) than Whites to be designated as MR (14.1). English learners with L1 and L2 were over 46 times more likely to be placed in MR secondary programs. The majority of elementary and secondary English learners in high-incidence disabilities came from low socioeconomic backgrounds.

The authors learned that placement patterns varied at the district and school levels by minority group, disability, and grade level and depended upon factors such as district and special education program sizes and the representation of a group in the district. The authors emphasized the importance of using multiple indicators to understand the implications of placement patterns such as school and instructional factors.

De Valenzuela, Copeland, Qi, and Park (2006) examined the relationship between a student's ethnicity and language proficiency status with the number and type of disability labels, access to the least restrictive environment, and ancillary services. The data set included 17,870 students from a large southwestern school district.

Disability and placement data were analyzed using frequency analyses and ANOVAs. Follow-up Chi-square tests were also used. Of the 17, 824 students, approximately 22% ($n = 3,973$) were English learners and 47% ($n = 8,384$) were identified as LD.

Results showed a disproportionate representation in the identification and placement of English learners. English learner data are summarized and presented in Table 1.

Table 1

Identification and Placement of English Learners

DATA DESCRIPTION	DATA	CONCLUSION
English learners receiving general special education services	$X^2(1) = 772.5, p < 0.0001$	English learners were overrepresented in special education compared to non-English learners.
English learners identified with LD	$X^2(1) = 2555, p < 0.0001$	English learners were overrepresented compared to non-English learners.
Composite Index (CI) of English learners with LD	35.1%	High risk of English learners being placed as LD compared to other ethnic groups
Risk Index (RI) of English learners with LD	21.1%	High likelihood of English learners being placed as LD

Ancillary services were reported for 35.5% ($n = 4,893$) of all students identified with LD. Most English learners (57.1%) were placed in Setting 3 programs, as compared to 38.1% of non-English learners. A Setting 3 program serves students more than 60% of the day in a special education classroom or setting (Hallahan, Kauffman, & Pullen, 2009).

Information from this study shows minorities and English learners were overrepresented in each area of disability. Furthermore, English learners were not likely to be labeled as gifted or talented. Some students who were both from a minority group and an English learner were labeled as having a disability for both reasons. For example, many Hispanic students were English learners and were labeled as having a disability either because of their ethnicity or their lack of skill in the English language. In spite of this, differences were evident between students who were identified as having a disability because

of their ethnicity and students who were identified as having a disability because of their lack of English skills. This shows that lack of English language skills is a separate issue from ethnicity.

According to the authors, future research is needed to learn more about disproportionate placement and the evaluation process of assessment staff. Furthermore, they recommended that more adequate and reliable language proficiency assessments and learning tools be developed for English learners.

Wilkinson et al. (2006) conducted a study to validate the appropriateness of eligibility decisions made for Spanish-speaking English learners with LD whose Individualized Education Programs (IEPs) included reading instruction. The subsample of 21 LD-only students included 11 boys and 10 girls from a large urban district in central Texas where nearly half of all students (49%) were Hispanic.

Archival data were gathered from each student's cumulative folder, including information about schools attended, grades, and state-mandated achievement testing. Bilingual education eligibility committee records included results of language proficiency assessments, documentation of language, and decisions about eligibility. Special education records included data from the referred documentation, health and social histories, evaluation results, multidisciplinary team meeting records, and time allocated to special education instruction. An expert panel reviewed each student's data and indicated whether he or she would qualify as having LD.

The results revealed the expert panel eligibility determinations differed substantially from those of school multidisciplinary teams. As for district implementation, all students were shown to have qualified for special education with LD because of a severe discrepancy between IQ and academic achievement. However, the panel agreed some students appeared

to have reading-related LD ($n = 5$) and also identified students they believed had disabilities, but not necessarily reading-related LD ($n = 6$). Another group of students ($n = 10$) had learning problems that the panel believed could be attributed to factors other than LD and indicated additional data would be required to validate eligibility.

This study pointed out that a severe discrepancy between IQ and achievement tests was a main single factor in determining LD in English learners. The authors recommended that more emphasis be placed on linking data from multiple sources when deciding whether English learners qualify for special education.

Although federal special education law now requires states to monitor and address racial disproportionality, the policy does not address English learners. Sullivan (2011) explored the extent of disproportionality in the identification and placement of culturally linguistically diverse students identified as English language learners (ELL) in special education. The study analyzed data from a large diverse school district in a southwestern state over an 8-year period using existing data for 1.1 million students. Sixteen percent were identified as ELL, and about 8-12% were identified as special education students. Three variables were examined: patterns of ELL placement in special education, predictors of identification and placement for special education, and district factors predicting disproportionality of ELLs versus those predicting disproportionality of racial minority students.

Descriptive statistics and regression analyses were used to examine patterns and predictors of identification and placement in special education among English learners throughout the state relative to their reference group, White peers. This study used the term *relative risk ratio* (RRR) because the effect of the risk factor “was evaluated relative to some referent group, and was therefore not an absolute indicator of risk” (Sullivan, 2011, p. 326).

A positive risk ratio indicated that an English learner's status was associated with an increased likelihood of special education identification or placement relative to the comparison group, whereas a negative ratio indicated a decreased likelihood.

Results showed that total number of districts reporting data for ELLs each year showed an increasing trend, with the sample accounting for 72% of the state's total student population in 1999 and more than 87% in 2006. Overrepresentation was highest in LD and mild mental retardation (MIMR), where the risk ratios reached 1.82 and 1.63, respectively. Both underrepresentation and overrepresentation were common in many categories at the district level. The results indicated an increasing frequency of overrepresentation in special education generally and in specific disability categories, especially in the higher-incidence categories of LD, speech-language impairments, and mild-moderate disabilities. Sullivan (2011) concluded these data showed overrepresentation in this large district.

Assessment Factors

Some research suggests discrepancy models and exclusionary provisions have weak validity and fail to distinguish among students with LD, low achievers, and students whose problems can be attributed to other factors, such as linguistic and cultural differences (Chu & Flores, 2011). This section includes four studies that examine cultural and linguistic assessment factors affecting eligibility decisions for English learners.

Yzquierdo, Blalock, and Torres-Velasquez (2004) examined the cognitive and language assessment records of English learners tested for special education in a large culturally diverse metropolitan district in the Southwest. They questioned whether or not a relationship existed between language proficiency ratings of students and the language of cognitive assessments administered to them. They also wondered if there were differences in

eligibility for special education based upon language used during administration of cognitive testing.

The participants were chosen based upon two criteria: the students had to have been referred for special education services, and the parent had to fill out a report regarding the language used in the home. Complete data were available for the 98 students who comprised the overall sample of 57 males and 41 females. Other students primarily spoke other languages including Vietnamese, Russian, and Laotian. Students' grade levels ranged from preschool to 11th grade, and they were identified with LD.

When completing a language form at the beginning of the school year, parents were asked to indicate their child's language proficiency to determine if a bilingual assessment was to be completed. The majority of the 98 students either completed the *Kaufman Assessment Battery for Children* (KABC; Kaufman & Kaufman, 2004) or the *Wechsler Intelligence Scale for Children-III* (WISC-III; Wechsler, 1991). After taking the KABC or WISC-III in Spanish or English or both, students were assigned a Language Assessment Scale (LAS) score ranging from Level 1 (L1) to Level 5 (L5). The LAS scores reflect language proficiency in both English and Spanish in the areas of reading, writing, speaking, and listening. L1 scores indicate the student knows very little English and L5 scores indicate the student has age-appropriate language skill in their second language.

Multiple chi-square analyses were used to analyze these variables and revealed a significant relationship between the parents' perceptions and students' LAS score. This study found no significant differences in who was referred to special education based on language used during assessments. In the Spanish-only group, 18% of students who received cognitive tests in Spanish were ultimately found not to be eligible for special education. If students took an English cognitive test, 10% of students were found to be not eligible for special education

while 28% were found eligible. In other words, results indicated that Spanish-speaking students who were learning English as a second language, who received tests in their native language, and who received a LAS score of L1 were not less likely to be eligible for special education in this district than ELLs who received tests in English only (see Table 2).

Table 2

Language Assessment and Special Education Eligibility for L1 Spanish Speakers

SPECIAL EDUCATION ELIGIBILITY			
Language Used During Assessments	N	Yes	No
English Only	19	13 (17.6%)	6 (8.8%)
Native Only	31	19 (27.9%)	12 (17.6%)
English + Native	11	8 (11.8%)	3 (4.4%)
Nonverbal only	8	3 (4.4%)	5 (7.4%)

Yzquierdo et al. (2005) concluded the assessments being used in the schools did not accurately measure or portray many students' language abilities. Only half of the students with bilingual, linguistic, or cultural differences took the cognitive testing in their native language. The authors acknowledged that the small sample size and incomplete parent surveys may have affected the results they obtained. The authors argued that assessing bilingual students is not as simple as selecting the correct language of assessment or even finding the correct tools for assessment.

Figueroa and Newsome (2006) examined issues related to nondiscriminatory identification of English learners. They analyzed psychological reports of 19 English learners who were identified as LD and received special education services in a small urban, linguistically diverse elementary school district in California. The total student population of this district was about 2,000, and 56% of them were linguistically diverse students.

Four ratings were used to evaluate each psychological report on a 4-point scale: *present* (yes), *not present* (no), *not appropriate* (np), or *undetermined* (dk: “don’t know”).

This scale was created to determine if the psychologists complied with California’s 25 legal directives for testing English learners for special education eligibility.

The results showed a consistent pattern that school psychologists seldom adhered to California’s legal and professional guidelines. When determining LD eligibility, possible confounding effects of bilingualism were not considered. Table 3 illustrates the eight major checklist areas that evaluated compliance with California law and indicates areas in which discrepancy issues were cited.

Table 3

Checklist Results for Special Education Eligibility

	YES	NO	NA	DK
1. Is there a determination that “the discrepancy is due to a disorder in one of more of the basic psychological processes and is not the result of environment, cultural, or economic disadvantages”?		19		
2. Does the report use the invalid test provision/		19		
3. Is there evidence of cross-validation of information from the home setting and the family that supports findings from the more formal measures?	1	18		
4. Are tests provided and administered in the pupil’s primary language?	4	13		2
5. Does the report include “a determination concerning the effects of environmental, cultural, or economic disadvantage”?	1	18		
6. Is the assessment done by someone who is competent in the oral and written skills of the individual’s primary language and who has a knowledge and understanding of the cultural and ethnic background of the pupil?		13		6
7. Is there evidence that the assessment does diagnoses the normal process of second language acquisition, as well as manifestations of dialect and socio-linguistic variance, as a handicapping condition?		19		
8. Do the test reports include and describe “linguistically appropriate goals, services, and programs” in their recommendations?		19		

The data led Figueroa and Newsome (2006) to conclude that non-biased, non-discriminatory assessments were not being conducted with bilingual pupils in spite of recommended legal and best practices professional guidelines. However, the authors cautioned this study sample was too small to make broad generalizations.

Abedi (2009) analyzed the existing data from two different states in order to illustrate the disparity between performances of English language learners with disabilities (ELLWD) compared to their peers (non-ELL/non-SWD). This study was conducted with a group of 738 students; 117 of them were classified as students with English learners. This study also examined possible changes in the performance of English language learners with disabilities (ELLWD) students over time and possible changes due to the impact of the No Child Left Behind legislation on ELLWD students.

Due to the confidentiality agreement with data providers, this study identified the two states as Site 1 and Site 2. Site 1 provided pre-NCLB data for Grade 3 and 8 in reading and math, and Site 2 provided post-NCLA data in reading and math for students in Grades 5 and 8. A disparity Index (DI) was used to report the performance gap between subgroups of students in terms of percentage differences because it was not possible to directly compare between pre-NCLB and post- NCLB data.

Results showed the post-NCLB analysis based on the data from Site 2 results were consistent with the pre-NCLB trends based on data from Site 1. All three subgroups underperformed the reference group, ELLWDs demonstrated a substantially higher performance gap than either ELLs or SWD, and the performance gap between all three subgroups with the main group was lower in math than in reading. In other words, language factors played a major role in this performance gap. A summary of these data is presented in Table 4. According to Abedi (2009), comparing the percent of post-NCLB underperformance

(65.7%) with pre-NCLB percent (203.3%) shows that NCLB has helped close the gap between the subgroups and the reference groups.

Table 4

Pre-NCLB and Post-NCLB Reading and Math Data

Site 1, Grade 3 Reading				Site 2, Grade 5 Reading			
ELL/SWD Status	<i>M</i>	<i>SD</i>	<i>DI</i>	ELL/SWD Status	<i>M</i>	<i>SD</i>	<i>DI</i>
ELL-ONLY	27.99	16.37	-53.4	ELL-ONLY	222.62	60.12	-33.4
SWD-ONLY	27.46	22.38	-56.4	SWD-ONLY	218.88	71.14	-35.7
ELLWD	13.93	13.37	-208.0	ELLWD	179.02	54.92	-65.9
Non-ELL /non-SWD (reference group)	42.94	19.59		Non-ELL /non-SWD	296.92	61.00	
Math				Math			
ELL-ONLY	41.11	18.55	-25.7	ELL-ONLY	259.78	59.65	-22.6
SWD-ONLY	38.57	23.09	-34.0	SWD-ONLY	245.56	72.39	-29.7
ELLWD	25.71	14.39	-101.0	ELLWD	216.02	58.12	-47.5
Non-ELL /non-SWD (reference group)	51.68	20.76		Non-ELL /non-SWD	318.53	64.15	

Reliability and validity of assessments for ELLWD students with reference groups were also examined by using data from Sites 1 and 2. The reliability coefficients for math were generally higher than those for reading. The average reliability coefficients in pre-NCLB for math were .845 for ELLs, .825 for SWDs, and .775 for ELLWDs, as compared with a reliability coefficient of .895 for the reference group. The average reliability coefficients for reading tests were .820 for ELLs, .795 for SWDs, and .715 for ELLWDs, as compared with the reliability coefficient of .890 for the reference group. The post-NCLB reliability data that are consistent with the pre-NCLB results showed that the reliability coefficients for all three subgroups were lower than reference group coefficients. The more complex the linguistic portion of the test, the more difficulty English learners had comprehending the material, which greatly contributed to the performance gap between ELL and non-ELL students.

Abedi (2009) determined that assessments developed and field-tested for the mainstream student population may not provide valid outcomes for ELLWDs due to the impact of linguistic, cultural, and disability factors. In order to have valid assessments, examiners need to carefully identify the variables that affect the reliability and validity of assessments for ELL, SWD, and ELLWD students. After they are identified, examiners need to carefully control these variables to minimize their effect on the results.

In spite of the fact that federal special education laws establish general guidelines for identifying CLD students using standardized assessments, communication with parents and educators, and studying the underlying causes of a learning disability, states can interpret and apply the laws as they choose. Scott, Hauerwas, and Brown (2014) conducted a qualitative study to examine policies used in all 50 states to identify specific learning disabilities (SLD) in culturally and linguistically diverse (CLD) students. To obtain this information, they reviewed each state's policy and guidance documents.

Documents specific to students identified as specific learning disabilities (SLD), Response to Intervention (RtI), and CLD were obtained by not only visiting each state's Department of Education website, but also by contacting general and special education directors in those states to affirm that the researchers had found the correct documents. Documents included education regulations, SLD criteria, guidance for special education procedures, guidance for SLD identification, guidance for RTI, and guidance for supporting CLD students, including those who are eligible for special education.

Scott et al. (2014) compared all the states' documents to create groups based upon: (a) how the state differentiated students with SLD from students who are CLD, and (b) the language the state used when discussing students from each group. Researchers searched the documents in each group to find key terms about policies helping CLD students. Each state's

Department of Education website was also searched using the same key terms to find certain documents. All documents were computerized and made available to all researchers. When this was complete, researchers had compiled a thorough list of all the states' documents and their current systems to assist CLD students.

The first phase produced two major types of information: the kind of laws and guidance provided by the state and a measure of how detailed those laws and supports were in each state. Each document was categorized based upon how much information was provided about CLD students. Documents that discussed CLD students only in the context of federal regulations were assigned the number 1. Documents were assigned a rating of 2 if they referred to the use of evidence-based practices for CLD students, but did not discuss practical implementation of these practices. The number 3 was assigned to documents that provided details about how to use evidence-based practices to assist CLD students. Finally, the number 4 was assigned to documents that consistently highlighted concerns about the needs of CLD students throughout the whole document.

Researchers then went through a peer-review process, which involved making arguments about which category to place a document and discussing the evidence until an agreement was reached. From these findings, the authors created a database of important parts of the state documents. Data analyses were then conducted on documents in categories 3 and 4.

The results revealed that 36 states did not discuss CLD students except for in reference to federal regulations. Another five states briefly stated the importance of nondiscriminatory, evidence-based practices for CLD students, but provided no practical details. Only nine states included such practical details for CLD students in their law that added on to federal regulation (see Table 5).

Table 5**Law and Guidance Documents by Category for Each State**

Category	Law	RTI Guidance	SLD/SPED Guidance	CLD that Address SPED	Joint CLD and SPED
1	AK, AR, DE, HI, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, MN, NE, NV, NH, NJ, NY, NC, ND, OH, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WY	AL, AR, HI, IA (2), KS, KY, LA, ME, MN, MT, NE, NH, NC, ND, OH, OK, PA, VT	AR, KS, MI, MO, MT, NE	ND (3)	
2	CO, FL, ID, OK, WI	MA, MS, TX, SD, VA, WA, WI, WY	SD, TN, TX, UT, WA, WV	ME	OK
3	AL, AZ, CA, CT, GA, IL, MT, NM, RI	AK, FL, MD, TN, SC	CA, GA, IL, MD, ND	AL, NY, MO, MN, ND, TN, WA	VT, WV
4		CO, CT, ID, IN, GA, NM, NY, RI, WV	CO, CT, IN, OR, RI	CT, GA	OR, CT

In spite of the fact that only a few states had regulations regarding practices for identifying SLD in CLD students, several states had documents relating to the SLD process, the RTI process, or English support and teaching.

States addressed students' needs in multiple areas: bilingual evaluation, native-language assessment, assessment of status of language development, and interpretation of data in relation to "true" CLD peers. In addition, the documents often discussed which professionals should be involved in these assessments and evaluations and how they should be prepared to carry out these practices. Professionals included bilingual professionals, cultural experts, as well as interpreters. Many states also discussed the need for CLD students to receive second-language classes and intervention, but few of them agreed on how this should be done.

Scott et al. (2014) decided that although the states do not agree on how to best assist CLD students before and during the process to identify SLD students, they have many

favorable practices in the areas of assessment, professionals, instruction, and intervention. They also concluded it is critical that professionals dealing with CLD students have expertise in CLD issues and that the state provide them with a unified system of policies and practices for addressing the needs of CLD students. Although the authors conducted a thorough analysis of state documents, the diverse range of documents and the continual changes being made to these documents made it difficult to compare and update information with total accuracy.

Differentiation Practices

In order to serve the wide spectrum of students in educational settings, educators should use a variety of assessments, activities, and practices. This is especially true when working with special education students and English learners. In this section, three studies are reviewed that provide insights into how educators can more accurately identify English learners who also have a learning disability.

Barrera (2006) suggested that curriculum-based dynamic assessment (CDA) was a more accurate way of measuring the multi-faceted characteristics of ELL students who have a learning disability. Instead of assessing what students do or do not know, the CDA assesses what they are capable of doing. The CDA allows educators to assess their students, instruct, and re-assess to determine the effectiveness of instruction. In CDA, a teacher uses work samples from the student and measures directly according to appropriate scoring criteria for the task. Barrera conducted a study to determine whether or not CDA assessment methods are effective in distinguishing between ELL students and students with a learning disability.

Thirty-eight general and special education teachers assessed 114 work samples from three groups of 83 Mexican American students: (a) second language learners identified as having LD, (b) their second language learning peers who were not in special education, and

(c) peers who were considered typically achieving to high achieving bilingual or English proficient. Samples of the students' work were collected over the 3-year study conducted in Minnesota and south Texas. Teachers were trained in a 2-hour session and then assigned to review notes of students were unfamiliar to them in order to obtain a more unbiased assessment of student work.

In the first part of the dynamic assessment, teachers asked their students to take notes in a journal the same way they would during a lesson as a pretest. After the students wrote their first notes, teachers assessed their work. Teachers then assessed student work and used the assessment to determine how to teach students over a 2-week period about how to take notes.

The second part of the dynamic assessment procedure consisted of 2 weeks of note-taking instruction. Teachers used a two-entry "reflection and analysis" journal to have students write notes as they learned content area vocabulary terms. Students were taught to use the reflection side of the journal to engage in vocabulary building activities before, during and after class discussions or lectures on course content. The opposite, analysis side of the journal was the place where students wrote vocabulary definitions in their own terms and constructed two sentences correctly using vocabulary items.

At the end of the 2 weeks, teachers assessed students in a number of ways including how many vocabulary words they wrote, handwriting, the number of complete sentences written, number of words written, spelling, and overall writing skills.

The independent variable in this study was membership in 1 of 3 learner groups: (a) students identified with both LEP and LD, (b) students identified with LEP only, and (c) bilingual/ English proficient typically achieving to high-achieving learners. The dependent variables were the four measures used to analyze writing samples: procedural,

qualitative, quantitative, and global scores. Procedural variables measured how well students followed the assessment procedures. Qualitative variables measured things such as handwriting legibility, correct usage, complete sentences, and incomplete sentences. Quantitative measures consisted of number of words written in the areas of analysis and reflection and total number of letters written. Global teacher assessment scores were based on teacher ranking of student performance.

Multiple regression analyses revealed significant predictive relationships across all variables for 13 of the 17 possible ratings. That is, teachers accurately rated work samples according to their group assignment: English proficient students rated highest, students with LEP-only rated next highest, and students with LEP and LD combined rated lowest.

Multivariate analyses were used to analyze procedural, qualitative, quantitative, and global scores. In the area of procedural analysis, results showed that ELL students with no LD used the highest number of key words on average (67) compared to ELL students with LD (21) and English proficient students with LD (16). In the area of qualitative assessment, students with ELL and LD used simpler words than students with ELL only and general education students. General education students and students with ELL and LD wrote significantly fewer complete sentences than high-achieving students, but did not differ much from each other. For quantitative measures such as spelling, teacher ratings were predictive of students groups with ELL students with LD, who scored lower than other groups. In the area of global scores, a teacher's ranking was a good prediction of student groups. ELL students were not usually rated as having a learning disability. ELL students with a disability were ranked much lower than general education students.

According to Barrera (2006), these unique clusters of data from secondary student note taking may provide insight into the differences among students from diverse linguistic

backgrounds when a learning disability is suspected. However, Barrera noted the limitation of using a reflection and analysis journal because this has not been validated for learners on whom this study was based. Future studies of dynamic assessment were suggested to involve different learner tasks for gathering information, processing data in reading, or varied approaches to gathering data on written expression, such as notes written from reading a text.

Sotelo-Dynega, Ortiz, Flanagan, and Chaplin (2013) examined the relationship between English language proficiency and its differential effect on general and specific cognitive ability performance. Participants included 61 children who were enrolled as second graders in a general education setting during the 2005-2006 school year and classified as Limited English Proficiency (LEP) based upon the previous year's performance on the *New York State English as a Second Language Achievement Test* (NYSESLAT). The study was conducted in two schools in the same suburban, public school district located outside of the New York metropolitan area.

All participants who were classified as LEP took the English version of the *Woodcock-Johnson Tests of Cognitive Abilities-Third Edition* (WJ-III COG; Woodcock, McGrew, & Mather, 2001) between March and June, 2006. SPSS statistical software was used to compare the English learners' data with the standardization sample. To further examine the relationship between English proficiency level and specific cognitive ability test performance, a one-way MANOVA was conducted. In this analysis, the independent variable consisted of the four levels of English proficiency on the NYSESLAT (Beginner, Intermediate, Advanced, and Proficient) and the dependent variables were the seven individual WJ-III COG tests that composed the General Intellectual Ability section.

Results revealed overall significant differences among the four proficiency groups on the dependent measures indicated a positive relationship between English language

proficiency and test performance. In addition, differences were found between the patterns of cognitive ability performances across the level of English proficiency on the NYSESLAT. Performance on tests that had high language demands (e.g., Verbal Comprehension test and Visual Auditory Learning test) fell to very low levels but tests with low language demands (e.g., Spatial Relations test and Visual Matching test) fell well within the average range. Even though the sample size was small, the effect was large enough to yield significant differences between groups. Data are summarized and presented in Table 6.

Table 6

NYSESLAT Data According to English Proficiency Level

	BEGINNER		INTERMEDIATE		ADVANCED		PROFICIENT	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Verbal Comprehension	60.67	6.11	68.57	10.05	82.45	9.90	93.50	11.63
Visual-Auditory Learning	72.23	9.24	85.86	12.53	98.31	12.29	105.93	10.28
Sound Blending	78.67	6.11	92.29	9.16	100.00	11.14	103.43	9.75
Concept Formation	78.33	12.42	81.86	8.70	86.24	11.24	96.36	13.18
Numbers Reversed	82.67	9.45	90.64	11.63	94.03	10.74	105.00	11.93
Visual Matching	94.0	1.73	97.79	11.51	97.14	9.28	105.86	6.63
Spatial Relations	98.67	3.51	96.57	10.87	98.97	8.01	102.79	6.83

This finding that performance was lowest on Verbal Comprehension and highest on visual Matching and Spatial Relations demonstrated that the general ability of non-native English-speaking students was underestimated. When compared with monolingual English speakers, ELLs as a group performed significantly below the standardization sample mean of 100 on the other six WJ III tests listed on the table, including the Concept Formation, Visual-Auditory Learning, and Numbers Reversed tests. In addition, as English proficiency

increased, General Intellectual Ability (GIA) scores increased. Sotelo-Dynega et al. (2013) were surprised to find that the Advanced group obtained a mean GIA ($SS = 90$) that was 10 points below the standardization sample mean.

These findings suggest that the NYSESLAT may not be accurate representation of students' abilities and may result in educators presuming students are proficient enough to be tested validly in English with traditional tests. Thus, the author concluded that practitioners need to consider that the conversational English fluency of such individuals may not be a valid indication of their age-based English language development, nor does it reflect age-appropriate proficiency related to the more cognitive demanding academic aspects of language necessary for academic success.

Kim and Garcia (2014) examined the factors related to adolescent English learners' persistent academic underachievement in spite of several years of schooling. Specifically, this study explored perceptions of 13 long-term English learners about their schooling, including program placements, special education referral, and academic outcomes. The study was conducted at Sunshine High School in Pebble Creek Independent School District in a metropolitan area of Texas. The 13 participants met the state's eligibility criteria for classification as LEP, had attended school in the United States for 7 years or more without acquiring cognitive academic language proficiency in English, and had at least 1 year of high school experience. All were native Spanish speakers.

This qualitative study was conducted using a naturalistic inquiry approach that examines perspectives of the participants. Individual, 40-minute semi-structured interviews were conducted with participants during the 2012-2013 school year to determine their perceptions of their school experience. Students were asked about their family background and their perceptions and recollections of their language development and academic learning

experiences. Of the eight students who were classified as Early Entry, six were U.S.-born and entered bilingual education in pre-K when they enrolled in elementary grades. The other two students were first-generation immigrants and began their U.S. schooling in the district's bilingual education program in the second and third grade, respectively. Five students in the Late Entry group entered the district' bilingual education program in either fourth or fifth grade.

This study revealed a high retention rate during elementary school of six students and special education referral for three students. The English language proficiency score in the Early Entry group were higher than those in the Late Entry group, but their levels remained relatively limited in spite of 10 or more years of schooling. In addition, six of the eight participants in the Early Entry group who took the state reading assessment in Spanish passed at the end of their third grade school year. In fourth grade, four participants who took the state reading assessment in Spanish passed, and three who took the test in English did not pass. Interview data indicated that the primary language of fourth-grade instruction was Spanish. However, not one student in the Late Entry group passed the state reading and math assessments in English in seventh grade. These findings suggest the need for appropriate academic skills in the first language at the early elementary stage for English learners.

The authors concluded that evaluation of the district's special language programs and services were needed to ascertain fidelity of implementation, identify barriers to ELLs' progress in language development and academic learning, and develop more effective programs in both areas. They recommended the use of specific English as a Second Language and academic supports are needed for secondary ELLs when they are not English proficient in spite of 5 to 7 years of bilingual education/ESL interventions in elementary grades.

Summary

This chapter presented a review of 11 studies that explore issues related to the identification and assessment of English learners with learning disabilities. These findings are summarized in Table 7 and are discussed in Chapter 3.

Table 7

Summary of Chapter 2 Studies

Authors/Date	Participants and Setting	Purpose	Findings
PLACEMENT PATTERNS			
Artiles, Rueda, Salazar, & Higareda (2005)	11 large urban school districts in California	To analyze of English learners' placement patterns	-Patterns existed among subgroup minorities of ELLs. -Inconsistencies of placement were based on age. -English learners were overrepresented in SPED.
DeValenzuela, Copeland, Qi, & Park (2006)	Large, diverse school district in the Southwest	To review data and examine the relationship between student ethnicity and language proficiency	-English learners were placed disproportionately SPED. -English learners were more likely to be identified as LD.
Wilkinson, Ortiz, Robertson, & Kushner (2006)	21 Spanish-speaking learners with LD in a large, urban district in central Texas	To examine eligibility decisions	- Expert panel eligibility determinations differed substantially from those of school multidisciplinary teams.
Sullivan (2011)	English learners from a southwestern state over an 8-year period	To examine the extent of disproportionality	-English learners were more likely than their White peers to be placed in special education services for LD and MR.
ASSESSMENT FACTORS			
Yzquierdo, Blalock, & Torres-Velasquez (2004)	98 students in large, diverse district in southwestern U.S.	To examine the diagnostic process for English learners	-Assessments did not accurately measure or portray many students' language abilities.
Figueroa & Newsome (2006)	19 psychological reports of ELL students assessment for SPED in a small California district	To examine whether students were assessed using nondiscriminatory measures	-School psychologists did not use existing legal or professional guidelines when conducting assessments.

Table 7 (continued)

Authors/Date	Participants and Setting	Purpose	Findings
Abedi (2009)	A group of students in Site 1 and Site 2 pre-NCLB & post-NCLB	Review of reading and math assessments for a group of students	-Validity and reliability for assessment tools used in ELLs, SWDs, and ELLWDs were not relevant. -Complex linguistic tests contribute to a performance-gap between ELL and non-ELL students.
Scott, Hauerwas, & Brown (2014)	State Departments of Education in all 50 states	Data review and analysis of documents about SLD, RTI, and CLD students	-Promising practices were reported in assessment, personnel, instruction and intervention, and systemic integration of general education, special education, and ELL.
DIFFERENTIATION PRACTICES TO BE CONSIDERED			
Barrera (2006)	38-teacher assessment study of 114 student work samples from Mexican-American students	To determine whether curriculum-based dynamic assessment could differentiate between language and special education needs	-Teachers tended to rate student work samples in predicted ways. That is, students with LEP and LD rated lower than students with LEP only.
Sotelo-Dynega, Ortiz, Flanagan, & Chaplin (2013)	61 second-grade children classified as Limited English Proficient (LEP) in two schools located outside of the New York metropolitan area	Review of data from seven WJ III subtests	-An inverse relationship existed between ELP and performance on tests that require higher levels of English language development and mainstream culture knowledge. -Practitioners must consider an examinee's level of development language proficiency and cultural knowledge acquisition.
Kim & Garcia (2014)	13 long-term English learners in a metropolitan district in Texas	Analysis of records and inquiry (NI) approach to determine how English learners perceive their academic and language experiences	-The English language proficiency scores in the Early Entry group were higher than those in the Late Entry group. -Appropriate academic skills in EL learners' first language at the early elementary stage for these English learners should be implemented.

Chapter 3: Conclusions and Recommendations

Comprehending the difference between learning a second language and a learning disability is becoming more and more important as the number of English language learners rises in our schools (Sullivan, 2011). Unfortunately, assessment of student performance does not always give educators the information they need to improve student performance. Students may not demonstrate all their skills and intelligence due to lack of language skills, cultural information, and necessary background knowledge (Chu & Flores, 2011; Garcia & Ortiz, 2004).

The purpose of this paper was to examine the literature to address issues related to these concerns. Specifically, I reviewed 11 studies that explored: (a) currently existing placement patterns of English learners, (b) assessment issues affecting inaccurate referral and placement of English learners in special education, and (c) factors to be considered for differentiating a disability from limited language proficiency.

Conclusions

Given the importance and relevance of this topic, I expected to find a great deal of literature published in recent years. Indeed, I did find many articles in which the authors discussed current and recommended practices, but I was unable to locate any research studies published after 2014 that discussed specific assessment procedures that should be used with this population. I found most of the empirical data on the topic in studies published prior to 2009. In this section, I discuss the findings of the studies I was able to locate. Although I did the best I could to organize the research topically, I found a great degree of overlap among the studies.

Placement and identification practices. Four studies addressed the referral and placement practices for ELLs in special education (Artiles et al., 2005; DeValenzuela et al.,

2006; Sullivan, 2011; Wilkinson, et al., 2006). Three of the four studies found English learners were overrepresented in special education services (Artiles et al., 2005; DeValenzuela et al., 2011; Sullivan, 2011). Although Wilkinson et al. did not specifically address overrepresentation, they found that district evaluation findings identified more students who qualified for special education than an expert panel. However, students met Texas special education criteria.

Data from all four studies indicated that English learners were most likely to receive services for learning disabilities, although they were also identified for services for cognitive disabilities and language disorders. Students were also more likely to receive services in segregated settings.

Assessment factors. I located four studies that examined specifically the assessment factors that affect decision making with regard to English learners (Abedi, 2009; Figueroa & Newsome, 2006; Scott et al., 2014; Yzquierdo et al., 2004). Three of the four studies found the major issue that affects placement may be that English learners are not tested in their native language the majority of the time (Abedi, 2009; Figueroa & Newsome, 2006; Yzquierdo et al., 2004). Scott et al. found in their analysis of state policies that guidelines were provided in most states to govern assessment, personnel, and instruction and intervention. However, it is evident that districts did not always follow these policies.

Differentiation practices to be considered. Three studies explored the use of educational practices that might be considered when attempting to determine if an English learner has a learning disability (Barrera, 2006; Kim & Garcia, 2014; Sotelo-Dynega et al., 2013). All three studies found the level of developmental language proficiency was the key factor in the ability to demonstrate success on achievement measures. When student language aligned with the language of the achievement measure, students scored higher.

These 11 studies revealed a large variation in the quality, validity, and reliability in the decision-making process when identifying English learners for special education services. The patterns tend to emerge when comparing ELL students to general education students. Furthermore, discriminatory patterns emerged when referral data for ELL students were analyzed.

ELL students have some of the highest dropout rates and grade retention if they are placed unnecessarily in special education, as demonstrated particularly in the Kim and Garcia (2014) study. Substantial variation also exists in the way English learners are identified for special education services based upon age or English language proficiency levels. The findings of these studies indicate that special education multidisciplinary teams need to take great care as they interpret data and determine whether or not the student has a disability. Unfortunately, research says that ELL students suffer from discrimination when their team interprets data unfairly (Figueroa & Newsome, 2006; Wilkinson et al., 2006).

Recommendations for Future Research

As indicated, little research has been conducted regarding recommended assessment practices for English learners. When students are not identified appropriately, it may result in special education placement and may negatively affect future outcomes. Great care should be adopted to ensure appropriate identification and to also establish uniform practices across districts in each state and across the nation. I wonder what we would find if uniform practices were established.

More reliable language proficiency assessments need to be created for English learners and evaluated with regard to their impact on overrepresentation. The studies I reviewed highlighted the importance of language in misidentification. As a part of this, more research should be conducted to examine the role of language in early intervention, the

referral process, assessments, and how eligibility for special education should be determined for English learners.

It was disappointing that I did not find studies that evaluated the role of culturally and linguistically responsive teachers. When I began to study this topic, the role of the teacher is what most interested me. It was only when I could not find research findings on this topic that I changed the focus of my paper.

In order to differentiate between students with learning disabilities and English language learners appropriately and provide them with appropriate instruction with positive outcomes, we need to do more research and clearly understand the issues as well as the potential solutions. It is necessary to distinguish between the source of students' difficulties and the interactions among the learning environment, home environment, and learner characteristics.

Implications for Practice

This topic is of personal importance to me. When I took the Minnesota Teacher's License Examination (MTLE) writing skills test, I found that the tests did not consider foreign students who come from different cultures. The topics that I had to write about when I took the MTLE writing tests were unfamiliar to me. Such topics included drug problems in the U.S. democracy institutions, assault weapons, and the death penalty. Many of these topics are not as much of an issue in my country or my country has different problems, beliefs, or systems for these topics. The purpose of the writing test is to test the students' writing skills, not their background knowledge. I kept failing the test because I did not have the background knowledge necessary. As a result, I became very passionate about this issue and chose it as my thesis topic.

Invalid assessments, inaccurate teacher perceptions, and lack of language proficiency all have an effect on English learners being misrepresented in special education. Many kinds of assessments including native and English language versions have issues in regard to validity and reliability (Abedi, 2006; MacSwan & Rolstad, 2006). Assessment materials must be reliable and valid, and must rule out environmental, linguistic, and cultural variables that may be affecting the students' performance. Obtaining correct data is very important in order for multidisciplinary teams to determine if students have a learning disability or if they simply are lacking in language skills.

In the studies I reviewed, the data show that evaluations of ELL students are never absolutely definitive and seem to be lacking foundation, despite the team's attempt to conduct a comprehensive assessment. These problems make it difficult when trying to determine the difference between an English language deficiency and a learning disability. As a member of a future special education team, I will scrutinize data regarding ELL students and question the validity of assessments in order to make an appropriate recommendation. I think that collecting data from carefully implemented, data-based intervention techniques will yield more helpful information. Using additional informal measures also allows the team to consider the environment, home, and culture of the child and family and also to rely on more dynamic and authentic assessment of students' abilities.

Summary

English learners vary in language, culture, and skills. We need to keep each of these things in mind when evaluating individual students for special education. More research about these students and their learning process is needed in order to properly identify disabilities that are unrelated to language issues. In our growing population, we need to assess

students properly and instruct them well because it will have a huge impact on our children's future.

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